

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:
Jesfina Soichy Albert,
Debtor.
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Case No. 11-50338

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Jesfina Soichy Albert,
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Plaintiff.
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Adversary Proceeding No. 11-05027
GMAC Mortgage
3451 Hammond Avenue
Waterloo IA 50702-0000,
)
and
)
)
Registered Agent Served At:
)
)
CT Corporation System
120 South Central Avenue
Clayton, MO 63105,
)
Defendant.
)

**ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
AGAINST GMAC MORTGAGE**

WHEREAS, on October 19, 2011, Plaintiff filed her Complaint to Avoid Lien of GMAC Mortgage Secured by Real Property Pursuant to 11 U.S.C. §506;

WHEREAS, on October 25, 2011, the Court's Clerk issued a Summons and Pretrial and Notice of Trial in an Adversary Proceeding against GMAC Mortgage;

WHEREAS, Service of the Summons on was obtained October 31, 2011, by both regular and certified mail;

WHEREAS, the deadline by which GMAC Mortgage was required to pleading in response to Plaintiff's Complaint to was thirty-five (35) days after issuance of the summons;

WHEREAS, Defendant, GMAC Mortgage failed to file a responsive pleading by the November 30, 2011, deadline;

WHEREAS, on December 5, 2011, Plaintiff filed her Motion for Default Judgment against GMAC

Mortgage;

WHEREAS, the Plaintiff is the owner of certain real property commonly known as 4902 NW 62nd Street Kansas City, MO 64151, which is legally described as follows:

ALL OF LOT 1, VILLAGE NORTH, A SUBDIVISION IN KANSAS CITY,
PLATTE COUNTY MISSOURI.

WHEREAS, the fair market value of Plaintiff's said residential real property is no more than \$50,000.00;

WHEREAS, Plaintiff's said residential real estate is encumbered by a Deed of Trust now in the approximate sum of \$87,821.03 held by Franklin Mortgage Funding, and Recorded Document No. 0019441 Book 1009 Page 333;

WHEREAS, Plaintiff's said residential real property is also encumbered by a Deed of Trust in the approximate sum of \$21,250.25, held by GMAC Mortgage, and Recorded as Document No. 0003101 in Book No. 1027, at Page No. 0734;

WHEREAS, the Deed of Trust held by GMAC Mortgage is not secured to any value.

IT IS THEREFORE ORDERED, that the lien of GMAC Mortgage, which was recorded in the Office of the Platte County, Missouri Recorder of Deeds, as Document No. 0003101 in Book No. 1027, at Page No. 0734, is not secured by any value and the lien of the same is hereby declared null and void pursuant to 11 U.S.C. §506(d).

IT IS FURTHER ORDERED that the claim of GMAC Mortgage shall be classified as an unsecured nonpriority claim and shall receive payment through Plaintiff's Chapter 13 bankruptcy proceeding in the same manner as all other unsecured nonpriority claims.

IT IS THEREFORE BY THE COURT ORDERED that the Clerk is hereby instructed to enter a Judgment in accord with this Order.

IT IS SO ORDERED.

/s/ Jerry W. Venters
Jerry W. Venters

Submitted and Approved by:

/s/ Tracy L. Robinson
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